



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.889 of 2021

Kumar @ Nallakurumban .. Petitioner / Accused No.1
Vs.
1.The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime No.134 of 2021) .. 1st Respondent/ Complainant
2.Jeya @ Jeyapandi
3.Pandiyammal
4.Sankar alias Sankarganesh
5.Haripandi
6.Annapillai ..Respondents 2 to 6/
Respondents 2 to 6

Prayer : This Revision Case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order, dated 26.10.2021, passed in Cr.M.P.No.994 of 2021, on the file of the Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and to set aside the same and to return the vehicle bearing Registration No.TN-49-CC-2203 on the file of the said Court in N.D.CP No.82 of 2021 to the petitioner.

For Petitioner : Mr.J.Selvam

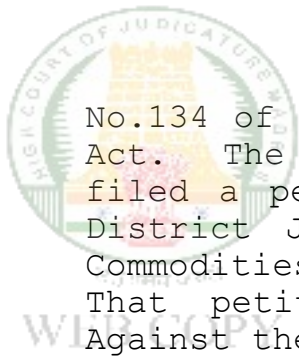
For R-1 : Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision has been filed to call for the records relating to the order, dated 26.10.2021, passed in Cr.M.P.No.994 of 2021, on the file of the Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and to set aside the same and to return the vehicle bearing Registration No.TN-49-CC-2203 on the file of the said Court in N.D.CP No.82 of 2021 to the petitioner.

2. A vehicle, viz., Honda Motorcycle, bearing Registration No. TN-49-CC-2203 was seized by the first respondent, in Crime

<https://hcservices.ecourts.gov.in/hcservices/>



No.134 of 2021, under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.994 of 2021 before the Additional District Judge/ Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, for temporary return of the vehicle. That petition was dismissed by the Special Court, Thanjavur. Against the order, the petitioner has filed this Criminal Revision.

3. On the side of the petitioner, it is stated that the petitioner is the registered owner of the vehicle and the vehicle was seized on 19.02.2021. If the vehicle is kept idle, it will lose its value and prayed the vehicle to be returned to the petitioner for interim custody. In this regard, the learned counsel for the petitioner has relied upon a judgment of this Court in Crl.R.C.(MD) No.10 of 2021, [Chandran Vs. State rep. By, the Sub Inspector of Police,] dated 25.01.2021.

4. On the side of the prosecution, it is stated that the vehicle was seized by the first respondent for transporting 22 ½ Kgs of Ganja. Totally six accused involved in the offence. The petitioner herein is A1 and the accused persons were arrested. If the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for commission of similar offence again and hence, prayed the petition to be dismissed.

5. The offence involved is serious in nature. The case cited by the petitioner in Cr. R.C.(MD)No.10 of 2021, dated 25.01.2021, is regarding only a modification of a condition and the facts are not similar to the present case. The petitioner is one of the accused in the case. Considering the nature of the case and considering the involvement of the petitioner in the case and also considering the fact that there is a possibility of the vehicle being used for commission of similar offence again, this Court is not inclined to release the vehicle.

6. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.

2.The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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